



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,903	03/28/2001	Yoshinori Nakayama	500.35669CX2	2397

24956 7590 07/05/2005

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
 1800 DIAGONAL ROAD
 SUITE 370
 ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
----------	--------------

3628

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,903

Applicant(s)

NAKAYAMA ET AL.

Examiner

Nga B. Nguyen

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 6-9 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 2/15/05.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is the answer to the Preliminary Amendment filed on August 10, 2004, which paper has been placed of record in the file.
2. Claims 6-9 are pending in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota, Japanese Patent No. 8106439 in view of Computer Product Update Journal, and further in view of Hotaling et al (hereinafter Hotaling), U.S. Patent No. 5,124,912.

Regarding to claims 6 and 7, Hirota discloses a schedule management system comprising:

a schedule server which stores schedules of participants and schedules of equipments reserved by ones of participants (see abstract, "portable information terminal"); and

a plurality of remote client devices operatively connected to schedule server, which allow client users to input schedules of participants and request an idle time retrieval from schedule server (see abstract, "external computer");

wherein said schedule server comprises a communication controller (see abstract, "communication means 4").

Hiroataka does not teach the schedules of participants and equipments are grouped together in different groups and a visual display of said idle time retrieval at selected ones of said client devices, wherein said selected client device indicates result of said idle time retrieval. However, Computer Product Update teaches scheduling package for groups of workers. Users can be grouped together and their calendars collectively searched to retrieve free time for the groups (see entire document). Moreover, Hotaling teaches grouping the participants based the degree of significance (column 5, lines 19-35, critical and non-critical participants); a visual display of said idle time retrieval at selected ones of said client devices, wherein said selected client device indicates result of said idle time retrieval (figure 2 and column 7, lines 60-column 8, line 5). Therefore, it would have been obvious to improve the method of Hiroataka by combining the feature taught by Computer Product Update and Hotaling above for the purpose of time consuming, because the participants with the same degree of significant are grouped together to retrieve the common free time for the group, thus the process does not need to repeat many times for the participants having the same degree of significant, and with the use of the visual display of the client device, providing more convenient for the user to view the common idle time.

Regarding to claims 8 and 9, Hiroataka discloses a mutlisstageous idle-time retrieving method and apparatus comprising:

comparing a first retrieval condition specifying a time zone with schedules of respective members to extract idle-times of the respective members; extracting idle-time common to the extracted idle-times of the respective members and setting the common idle-time as a second retrieval condition; comparing the second retrieval condition with schedules of respective members to extract idle-times of the respective members; extracting idle-time common to the extracted idle-times of the respective members and

setting the common idle-time as a third retrieval condition (see abstract, the schedule response means 9 sends the schedules back and **this operation is repeated to retrieve the common free time** by the free time retrieval means 10 by using the gathered scheduled data on the other persons).

Hirota does not teach the members are grouped together in different groups and retrieving the idle-time for the groups; displaying the third retrieval condition on a display apparatus. However, Computer Product Update teaches scheduling package for groups of workers. Users can be grouped together and their calendars collectively searched to retrieve free time for the groups (see entire document). Moreover, Hotelling teaches grouping the participants based the degree of significance (column 5, lines 19-35, critical and non-critical participants); a display apparatus for displaying idle-time (figure 2 and column 7, lines 60-column 8, line 5). Moreover, it is obvious that the process of retrieving an idle time common from one group as a retrieval condition for retrieving an idle time common for another group of plurality of groups will work the same as retrieves an idle time common from one person as a retrieval condition for retrieving an idle time common for another person of plurality of people, because one group may contain only one person. Therefore, it would have been obvious to improve the method of Hirota by combining the feature taught by Computer Product Update and Hotelling above for the purpose of time consuming, because the participants with the same degree of significant are grouped together to retrieve the common free time for the group, thus the process does not need to repeat many times for the participants having the same degree of significant, and with the use of the visual display of the client device, providing more convenient for the user to view the common idle time.

Conclusion

5. Claims 6-9 are rejected.

Art Unit: 3628

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

7. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks
c/o Technology Center 3600
Washington, D.C. 20231

or faxed to:

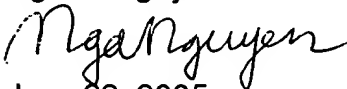
(703) 872-9306, (for formal communications intended for entry)

or:

(571) 273-0325 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Knox building, 401 Dulany Street, Alexandria, VA, First Floor (Receptionist).

Nga B. Nguyen



June 23, 2005